REMARKS

Claims 1, 4-11, 13-20 and 22-29 are pending in the Application. Claims 1, 11 and 26 are independent and are being amended. No new matter is added.

Examiner Interview

A telephonic interview was conducted between the Examiner Ting Zhou and representative of the Applicants, F. Sirjani, on December 3, 2008. The Examiner provided the Applicants with recommendation regarding claim amendments. Applicants have attempted to amend the claims responsive to Examiner suggestions. No agreement was reached.

Applicants are grateful to this Examiner for her productive input.

Claim Rejections 35 U.S.C. 102(b) and 35 U.S.C. 103

Claims 1, 3-4, 9-11, 13, 18-20 and 22-27 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Pinard (U.S. Patent No. 5,898,432) in view of Canaday (U.S. Patent No. 6,064,387).

Claims 5-8 and 14-17 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Pinard, Canaday and Tavori (U.S. Patent No. 5,724,025).

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Pinard, Canaday and Ferrel (U.S. Patent No. 5,860,073).

Applicants respectfully traverse these rejections in view of the amendments to the claims and further in view of the following arguments.

Claim 1

Claim 1 recites "A method for managing dynamic context comprising: storing associations between an activity stream and a representation element, the activity stream based on an activity beyond a perception of a user; synthesizing a human sensible attribute of the representation element responsive to changes in the activity stream and the stored associations; determining a focus of attention of the user; presenting the synthesized human sensible attribute of the representation element to the user at a periphery of the focus of attention, the periphery of the focus of attention being separated by a distance from the focus of attention of the user; and dynamically changing the human sensible attribute of the representation element responsive to dynamic changes in the activity stream, wherein varying portions of a graphical user interface associated with the representation element are being used in informing the user of the changes in the activity stream, and wherein the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute, and as a function of time and without user interaction, as a means of notifying the user of the changes in the activity stream." (Emphasis added.)

In rejection of the independent claims 1, 11 and 26, the Office action is citing to **Pinard** for teaching all elements of the claims but for the element added by the latest amendment. (Office action, pp. 2, 3.)

Applicants submit that change of icon in Pinard is sudden and responsive to a change from ONE activity to ANOTHER activity, not in response to changes of the SAME activity stream. For a different activity, such as a phone call as opposed to an email, a different icon is

shown. The envelope icon does not change to a phone icon unless the activity is changed to a completely different activity.

Accordingly, Pinard does not teach or suggest "dynamically changing the human sensible attribute ... responsive to dynamic changes in the activity stream" of claim 1 when the claim is referring to the same activity stream throughout and where the claim emphasizes that "dynamically changing" is "gradually increasing."

Canaday is cited for teaching the last element reciting "wherein the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute." (Office action, p. 3.) A detailed discussion of Canaday is provided further below.

Regarding Canaday, Applicants submit that some change in Canaday may be gradual. However, the change of Canaday is brought about differently from the change of the claim. Any change occurring in Canaday is in response to deliberate user action. Accordingly, Canaday's disclosure is in contrast to "activity beyond a perception of a user" of claim 1.

Even if Canaday teaches that the "dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute," still the change of Canaday does NOT occur "responsive to dynamic changes in the activity stream [of an activity beyond a perception of a user]" or "as a function of time and without user interaction" as claimed in claim 1 and is not the same type of change that is the subject of the claim.

Accordingly, Canaday does not cure the deficiency of Pinard and claim 1 is believed to remain patentable over the combination of references.

Claim 11

Claim 11 recites "A system for managing dynamic context, comprising: a synthesizer circuit, each synthesizer circuit synthesizing a human-sensible attribute of a representation element based on changes in an activity stream, the activity stream based on an activity that is beyond a user's perception; a memory that stores associations between the activity stream, the representation element and the synthesizer circuit; a user focus of attention determining circuit that determines the user's focus of attention; and a user interface operable to present the synthesized human sensible attribute to the user using the representation element and operable to dynamically change the human sensible attribute of the representation element responsive to dynamic changes in the activity stream; wherein varying portions of the user interface in a periphery of the user's focus of attention are being used to inform the user of the changes in the activity stream, the periphery of the user's focus of attention being separated by a distance from the focus of attention of the user, and wherein the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute as a function of time and without user interaction." (Emphasis added.)

In Pinard, change of icon is responsive to a change from one activity to another activity, not in response to changes of the same activity stream and it is a sudden change that is not "dynamic" or "gradual."

Accordingly, Pinard does not teach or suggest "dynamically change the human sensible attribute of the representation element responsive to dynamic changes in the activity stream" of claim 11.

Further, Canaday discloses a gradual change prompted by user action and does not teach or suggest "synthesizing a human-sensible attribute … based on changes in an activity stream … that is beyond a user's perception" of claim 11. Therefore, even if the change in Canaday is gradual or dynamic, it is not change prompted by activities "beyond a user's perception" nor does it occur "as a function of time and without user interaction."

Accordingly, Canaday does not cure the deficiency of Pinard and claim 11 is believed to remain patentable over the combination of references.

Claim 26

Claim 26 recites "A method for dynamically managing a focus and a periphery of attention of a user of a primary document on a display, the method comprising: determining the focus of attention of the user; detecting a change in an activity stream, the activity stream occurring outside of perception of the user; determining a representation element associated with the activity stream, the representation element having human sensible attributes; and dynamically changing the human sensible attributes responsive to the dynamic change in the activity stream, wherein the changing of the human sensible attributes is adapted to be sensed by the user in the periphery of attention of the user, the periphery of the focus of attention being separated by a distance from the focus of attention of the user, and wherein the dynamically changing the human sensible attributes is gradually increasing intensity of the human sensible attributes, as a function of time and without user interaction, and as a means of notifying the user of the changes in the activity stream." (Emphasis added.)

In Pinard, change of icon is responsive to a change from one activity to another activity, not in response to changes of the same activity stream.

On the other hand, claim 26 recites "determining a representation element associated with the activity stream, the representation element having human sensible attributes; and dynamically changing the human sensible attributes [of that same activity stream] responsive to the dynamic change in the activity stream." (Emphasis added.) According to the rules of antecedent basis in claims, the "human sensible attributes" related to an "activity stream" undergo a "dynamic change" in response to dynamic changes in the same "activity stream;" the claim language is not referring to a change of the activity stream number 1 (such as email in Pinard) to a completely different activity stream number 2 (such as a phone call in Pinard). If the claim is read with the antecedent basis in mind, no other meaning would be conveyed.

Accordingly, Pinard does not teach or suggest "dynamically changing the human sensible attributes [of that same activity stream] responsive to the dynamic change in the activity stream" of claim 26.

Further, the gradual change of Canaday is prompted by user action and does not teach or suggest "detecting a change in an activity stream ... occurring outside of perception of the user" or "dynamically changing the human sensible attributes ... as a function of time and without user interaction, and as a means of notifying the user of the changes in the activity stream" of claim 26.

Accordingly, Canaday does not cure the deficiency of Pinard and claim 11 is believed to remain patentable over the combination of references.

Primary Reference: Pinard

Pinard has been discussed in detail in the previously filed responses. Applicants maintain the same arguments presented against Pinard.

Newly Cited Reference: Canaday

Canaday is directed to several (eight) methods for guiding users to complete configuration of a factory installed software without having to use any visible or audible automatically stared applications. (Canaday, col. 1, lines 30-31, col. 2, lines 14-17.) Canaday tries to compel the user to click on an icon that starts configuring the computer. (Canaday, col. 1, line 7.) In one embodiment, Canaday turns the mouse cursor into the shape of a key and turns the target icon that the user has to click on into the shape of a locked padlock to encourage the user to move the cursor onto the icon and click on it. (Canaday, col. 1, lines 39-41.) In another embodiment, the cursor is slowly and automatically drawn toward the target icon. (Canaday, col. 1, lines 46-47.) In the third embodiment, both mouse and target icon flash but at different rates and as the user draws the mouse toward the icon, the rates of flashing being to become more in sync. (Canaday, col. 1, lines 52-58.) In the fourth embodiment, the target icon follows the mouse around the screen to compel the user to click on the target icon. (Canaday, col. 1, lines 61-64.) In the fifth embodiment, the underlying functions of all of the icons are usurped so any icon that the user clicks on will perform the function of the target icon. (Canaday, col. 1, lines 67-68.) In the sixth embodiment the color of the target icon or the mouse icon is gradually changed as the user moves the mouse cursor toward the target icon. (Canaday, col. 2, lines 4-9.)

In the seventh embodiment, auditory clues of "closer" or "farther" are used to indicate the cursor's distance from the target icon. (Canaday, col. 2, lines 9-14.)

Two passages of Canaday are cited by the Office action, page 4, against independent claims of the Application that are provided below:

> In a sixth embodiment, the color of the target icon and/or the mouse cursor is gradually changed from blue, representing "cold" or "far," to red, representing "hot" or "close," as the user moves the mouse cursor toward the target icon. When the user clicks on the icon, completion of the factory-installed software installation process is initiated.

(Canaday, col. 2, lines 3-8; emphasis added.)

> If in step 400 a determination is made that the mouse 14 has not moved, execution proceeds to step 406, in which the flash rate of the mouse cursor 20 is adjusted based on the distance between the cursor 20 and the target icon 18. For example, if the distance between the cursor 20 and target icon 18 has increased as a result of the mouse 14 movement, the flash rate of the mouse cursor 20 will increase, indicating a greater urgency.

(Canaday, col. 3, lines 44-50; emphasis added.)

Applicants submit change in Canaday is in response to "user action." In the first cited passage of Canaday, the change in the color of the mouse or the icon happens "as the user moves the mouse cursor" and in the second cited passage, the flash rate is adjusted "based on the distance between the cursor 20 and the target icon 18" which is in turn controlled by the user moving the mouse. Canady provides feed back to user action to compel the user to click on the desired icon.

Accordingly, Canaday's disclosure is in contrast to "the activity stream based on an activity beyond a perception of a user; synthesizing a human sensible attribute ... responsive to changes in the activity stream" of claim 1 or "synthesizing a human-sensible attribute ... based on changes in an activity stream ... that is beyond a user's perception" of claim 11 or "detecting a change in an activity stream ... occurring outside of perception of the user" of claim 26. (Emphases added.)

Other cited References, Tavori and Ferrel

The Office Action cites Tavori for the alleged teaching that the human-sensible attribute is synthesized based on a selected range. (Office Action, pp. 7-8.) Ferrel, is cited for teaching "applying a dynamic stylesheet to the representation element" of claim 28. (Office action, pp. 8-10). Applicants maintain the arguments presented in the previously filed responses against these two references and submit that, at least, the cited portions of Tavori and Ferrel do not appear to cure the deficiencies of Pinard and Canaday as set forth above.

Accordingly, the amended independent claims 1, 11 and 26 are believed to be patentable over the combination of Pinard, Canaday, Tavori and Ferrel.

Dependent Claims

Claims 4-10, 20, 22 and 24 depend from claim 1. Claims 13-19, 23 and 25 depend from claim 11. Claims 27-29 depend from claim 26.

With respect to the rejection of dependent claims while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting

these claims, Applicants respectfully submit that the rejections of these claims are rendered moot by the present amendments of the parent claims and that these dependent claims are patentable by definition, by virtue of their dependence on their respective parent independent claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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